THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

W.P.No. 34634 of 1998

Dated: 28.06.2007

Between:

M.R.K.Choudary.

..Petitioner.

And

A.P.State Electricity Board, rep. by its Member Secretary, Vidyut Soudha, Khairatabad, Hyderabad and others.

..Respondents.

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W.P.No. 34634 of 1998

ORDER:

The petitioner, who is a senior Advocate, filed the present writ petition with the following prayer:

"to declare the action of the respondents in issuing a demand notice towards CC charges, vide AAE/OP/KB/D-F/No.226101 and revise the bills for the period from 9/97 to 10/98 on the basis of test report".

The grievance of the petitioner is that despite the fact that he made several representations, the respondent-Board, without assigning any reasons, issued the impugned notice, stating that after calculations, an amount of Rs.7,873/- is to be paid by him towards electricity charges to the respondent-Board. Despite the fact that the respondents served with notices, they have not even chosen to file counter affidavit.

Heard.

From a perusal of the material papers filed in support of the writ petition, it is clear that the impugned notice was issued by the respondent-Board without assigning any reasons, and the same according to the petitioner, is contrary to the principles of natural justice. When once the petitioner states that he is not in arrears,

the respondent-Board ought to have afforded him sufficient opportunity to explain as to how the petitioner is not in arrears of payment of electricity charges. The respondent-Board issued the impugned notice behind the petitioner without affording him sufficient opportunity, which is definitely not in accordance with the established procedure under law.

Accordingly, the writ petition is allowed and the impugned notice is set aside. The respondent-Board is hereby directed to issue notice afresh to the petitioner offering time to file an explanation, and on filing such explanation, it shall pass appropriate orders in accordance with law. No costs.

GOPALAKRISHNA TAMADA, J

Dated:28.06.2007

sj